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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,648	11/12/2003	Jim Belcher	09386/100M230-US1	8968
7278	7590	02/07/2007		
DARBY & DARBY P.C. P. O. BOX 5257 NEW YORK, NY 10150-5257			EXAMINER ORTIZ, BELIX M	
			ART UNIT 2164	PAPER NUMBER

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/07/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/712,648	Applicant(s) BELCHER ET AL.	
	Examiner Belix M. Ortiz	Art Unit 2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Remarks

1. In response to communications files on 21-November-2006. Claims 1-2 are amended by applicant's request. Therefore, claims 1-3 are presently pending in the application.

Inventorship

2. In view of the papers filed June 22, 2005, it has been found that this non-provisional application, as filed, through error and without deceptive intent, improperly set forth the inventorship, and accordingly, this application has been corrected in compliance with 37 CFR 1.48(d). The inventorship of this application has been changed by the addition of appropriate names.

The application will be forwarded to the Office of Initial Patent Examination (OIPE) for issuance of a corrected filing receipt, and correction of Office records to reflect the inventorship as corrected.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this

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subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3 are rejected under 35 U.S.C. 102(e) (Eff. Filing date of application: 11/12/2002) as being anticipated by Kim et al. (U.S. pub. 2004/0139483) (Eff. Filing date of application: 2/21/2002).

As to claim 1, Kim et al. teaches a system for remote authoring of content (see abstract), comprising:

a plurality of content files (see abstract; figure 2, character 300; and paragraph 2);

and

an authoring system storing the plurality of content files (see paragraph 20),

comprising;

an identification system to identify the plurality of content files (see paragraph 40);

a relation system to relate related content files (see paragraphs 4 and 41);

a query system to request content files from a server (see paragraphs 20 and 23);

a reference database to store information about the plurality of content files (see figure 3, character s120 and paragraph 41);

a collection system to convert the plurality of content files into at least one collection file (see paragraph 40);

a conversion module to convert the at least one collection file into a master copy, wherein the master copy is in one of a plurality of formats (see abstract and paragraphs 12-13); and

a URL configuration system to identify a URL entered by a user into the at least one collection file and to communicate with a redirect server to activate the URL (see claim 3 and paragraph 20).

As to claim 2, Kim et al. teaches the system further comprising a remote workstation for a user to access the authoring system (see paragraphs 2, 8, and 47).

As to claim 3, Kim et al. teaches a method of remotely authoring content (see abstract), comprising:

transmitting a plurality of content files in various formats to an authoring system (see abstract; figure 2, character 300; and paragraph 2);

identifying, by the authoring system, the plurality of content files (see paragraph 40);

relating, by the authoring system, the plurality of content files (see paragraphs 4 and 41);

storing the related content files together (see figure 3, character s120 and paragraph 41);

querying a server for additional content files (see paragraphs 20 and 23);

populating a reference database with information related to the plurality of

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content files (see figure 3, character s120 and paragraph 41);

creating, by a user, at least one collection file including content files (see paragraph 40);

producing, by the authoring system, a master copy of the collection file in a format specified by the user (see abstract and paragraphs 12-13);

determining if a URL is in the collection file (see claim 3 and paragraph 20);

communicating with a redirect server to activate the URL (see claim 3 and paragraph 20).

Response to Amendment

5. The Declaration filed on November 21, 2006 under 37 CFR 1.131 has been considered but is ineffective to overcome the Kim et al. (U.S. pub. 2004/0139483) reference.

6. The Declaration under 37 CFR 1.131 is defective for the following reasons:

(A) The declaration contains contradictory statements. Part 2 states that "we had completed our invention" which suggests actual reduction to practice of the invention prior filing the application. However, the same section says the invention was "conceived in full and due diligence was used", suggesting that the actual invention was not reduced to practice but only conceived and conceptualized. The declaration thus simultaneously states that the invention was and was not reduced to practice prior to filing, establishing only a contradiction.

(B) If the invention was reduced to practice prior to filing, there is no factual evidence that the source code was tested and found to run successfully.

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(C) If the invention was conceived and then followed by diligence towards filing, then the evidence of diligence is insufficient, since no dates are supplied for the acts of diligence. The dates establishing activities of diligence must be supplied (MPEP 715.07(II) "Establishment of Dates").

(D) The subject matter supplied is not accurately correlated to the text of the claims under rejection.

For example, section 6 states that the step of querying a server exists somewhere within 5 pages (pages 7-12). Three of these pages (pages 7-9) correlate to an entirely different step. Such correlation is clearly not accurate since the same pages are being correlated to entirely distinct steps.

(E) If diligence is relied upon, it must be established from just prior to effective date of the prior art up to the filing date of the invention. There is no factual evidence that the activities of diligence occurred during this period.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

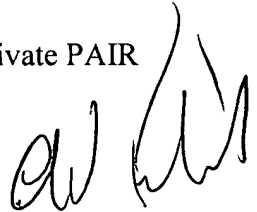
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Belix M. Ortiz whose telephone number is 571-272-4081. The examiner can normally be reached on Monday-Friday 9am-5pm. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

bmo

January 29, 2007


ALFORD KINDRED
PRIMARY EXAMINER